

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN COMMUNICATION)
INC. AND NPCR, INC. FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A WIRELESS)
COMMUNICATIONS FACILITY AT 1700 E.)
O'BYRNE STREET, HENDERSON, KENTUCKY)
42420 IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA IN THE COMMONWEALTH OF)
KENTUCKY IN THE COUNTY OF HENDERSON)
SITE NAME: HENDERSON)
SITE NUMBER: KY 062P-A)

CASE NO.
2000-478-UAC

O R D E R

On October 26, 2000, Crown Communication Inc. ("Crown") and NPCR, Inc. ("Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility.¹ The proposed facility is to be located at 1700 E. O'Byrne Street, Henderson, Henderson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 49' 15.51" by West Longitude 87° 34' 38.21".

Crown has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

¹ On May 31, 2001, the application was amended to reflect a new location for the proposed construction. The new location is a site previously proposed by the Intervenor in this matter.

recognized building standards, and the plans have been certified by a Licensed Professional Engineer.

Pursuant to 807 KAR 5:063, the Applicants have notified the County Judge/Executive of the proposed construction. To date, no comments have been filed by the County Judge/Executive. The Applicants have filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both decisions are pending.

The Applicants have filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. The Commission received comments from two nearby property owners. One property owner requested and was granted intervention in this proceeding. The matter was scheduled for hearing. However, the Applicants filed Notice of First Amendment of Application wherein the proposed construction was relocated to a location proposed by the Intervenor. The Commission subsequently ordered that if the Intervenor desired a hearing he must so notify the Commission in writing or the matter would stand submitted for Commission decision. No notification was filed by the Intervenor.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if it does not use this antenna tower to provide service in the manner set out in

its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicants have demonstrated that a facility is necessary to provide adequate utility service and therefore a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

IT IS THEREFORE ORDERED that:

1. Crown is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at 1700 E. O'Byrne Street, Henderson, Henderson County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 49' 15.51" by West Longitude 87° 34' 38.21".

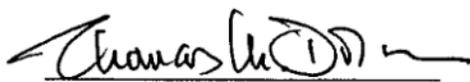
2. Crown shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. Crown shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 20th day of August, 2001.

By the Commission

ATTEST:


Executive Director